

specification. Claims 8-10, 13 and 14 have been rejected under 35 USC §112.

The specification has been updated, addressing point 2.

Turning to point 2, applicants object to this statement. Applicants sent two references to the USPTO. Attached hereto is a copy of the return receipt postcard. Note item 5, "references." No changes were made to the postcard such as changing the plural to the singular. Case law holds that when a postcard is stamped "received" by the USPTO, the presumption is that all items presented thereon were received. If the examiner or USPTO staff lost the item, this is unfortunate. It does NOT call for the invocation of MPEP 609, nor the language used in the action.

Turning to the rejection at point 4, applicants have studied it carefully, as well as the references which allegedly support the rejection. They traverse.

The references relied upon by the examiner relate to a molecule (fGF), which, when modified at an amino acid, lost its ability to bind to binding partners. The claimed molecule is not a growth factor; rather, it is a protein which is a precursor to much smaller molecules, which are tumor rejection antigens, or "TRAPs." As a review of the specification and/or the references such as the patents cited therein will show, any given TRAP, including those of the claims, may be and are, processed to many TRAs. Even if only a single TRA were produced, however, the molecule would still be a TRAP, in accordance with the definition thereof provided in the specification.

Changes in amino acid sequence would not necessarily change the ability of the claimed molecule to function as a TRAP. The examiner indicated that he did receive 5,342,774. A review of that reference will show, clearly, that there is a fair diversity of DNA sequences, *de*

facto leading to a variety of amino acid sequences. These clearly differ by more than one amino acid, yet they are all TRAPs. The fact is, the most relevant art, which is not fibroblast growth factor, or transforming growth factor, support enablement.

Withdrawal of the rejection is proper and is urged, as is allowance of the newly submitted claims.

Respectfully submitted,

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